

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

**FEIN, SUCH, KAHN & SHEPARD, P.C.**

Counsellors at Law  
7 Century Drive - Suite 201  
Parsippany, New Jersey 07054  
(973) 538-9300  
Attorneys for Secured Creditor  
PNC BANK, NATIONAL ASSOCIATION  
R.A. LEBRON, ESQ.  
PN176  
bankruptcy@fskslaw.com

In Re:

MICHAEL PAUL CORDO

Debtor(s).

Case No.: 18-25082 MBK

Adv. No.:

Chapter: 13

Hearing Date: 12/09/2020

Judge: Honorable Michael B.  
Kaplan, Chief Judge

**OBJECTION OF PNC BANK, NATIONAL  
ASSOCIATION TO CONFIRMATION OF  
DEBTOR'S MODIFIED PLAN**

I, R.A. LEBRON, ESQ., do hereby certify as follows:

1. I am an attorney at law of the State of New Jersey associated with the law firm of FEIN, SUCH, KAHN & SHEPARD, P.C., attorneys for PNC BANK, NATIONAL ASSOCIATION, ("Secured Creditor" herein), and I am fully familiar with the facts and circumstances of the within matter.

2. Secured Creditor objects to confirmation of Debtor's plan for the reasons which follow:

(a) Secured Creditor holds a mortgage on Debtor's residence located at 441 LAKE BARNEGAT DRIVE,

FORKED RIVER NJ 08731. As of the date of the bankruptcy filing, Debtor was in default on the terms of the Note and Mortgage. Total arrears due to Secured Creditor through the plan is \$1,967.07 and the total claim at the time of filing was \$39,109.97. A proof of claim was filed with the Court.

- (b) Part 4.a. of the Debtor's proposed Plan provides for payment of arrears of \$1,967.07 to the Secured Creditor. However, the Plan fails to reflect the maintenance of regular monthly mortgage payments. Absent a modification by the Debtor, this plan cannot be confirmed.
- (c) Furthermore, Secured Creditor objects to Debtor's confirmation in that if the Debtor is post-petition delinquent at confirmation and Debtor's case is dismissed, then any excess funds that the Chapter 13 Trustee is holding should be released to the Secured Creditor. Absent the release of such excess funds in the possession of the Trustee, Secured Creditor is substantially harmed as the Debtor has enjoyed the benefit of the automatic stay to the detriment of Secured Creditor. Absent such language in the Order of Confirmation, confirmation of Debtor's plan must be denied.

3. For the reasons stated above, and for any others that the Court deems fit to adopt, Secured Creditor respectfully objects to Debtor's plan and confirmation thereof.

4. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

**FEIN, SUCH, KAHN & SHEPARD, P.C.**  
Attorneys for Secured Creditor

/s/ R.A. Lebron, Esq.  
R.A. LEBRON, ESQ.

DATED: November 19, 2020

cc: WILLIAM H. OLIVER, JR. - DEBTOR(S) ' ATTORNEY  
ALBERT RUSSO - TRUSTEE

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Chief Judge

**CERTIFICATION OF SERVICE**

1. I, Ruth Essington:

☐ represent the \_\_\_\_\_ in this matter.

☒ am the secretary/paralegal for FEIN, SUCH, KAHN & SHEPARD, P.C.,  
who represents the Secured Creditor, PNC BANK, NATIONAL  
ASSOCIATION in this matter.

☐ am the \_\_\_\_\_ in the above case and am  
representing myself.

2. On November 19, 2020, This office caused to be mailed a copy of  
the following pleadings and/or documents to the parties listed in  
the chart below:

a. Objection to Confirmation of Modified Plan.

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
William H. Oliver, Jr. Oliver & Legg, LLC 2240 State Highway 33 Suite 112 Neptune, NJ 07753	Debtor(s)' Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee in Bankruptcy	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
Michael Paul Cordo 441 Lake Barnegat Drive Forked River, NJ 08731	Debtor(s)	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: 11/19/20

/s/Ruth Essington

Paralegal